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Message Text

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ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 /026 W
----------065811 281346Z /72
O 281135Z JUN 78
FM AMEMBASSY PRETORIA
TO SECSTATE WASHDC IMMEDIATE 1520
USMISSION USUN NEW YORK
INFO AMEMBASSY BONN IMMEDIATE
AMEMBASSY DAR ES SALAAM IMMEDIATE
AMMBASSY GABORONE IMMEDIATE 4229
AMEMBASSY LAGOS IMMEDIATE
AMEMBASSY LONDON IMMEDIATE
AMEMBASSY LUSAKA
AMEMBASSY MAPUTO
AMEMBASSY OTTAWA IMMEDIATE
AMEMBASSY PARIS IMMDIATE

C O N F I D E N T I A L SECTION 1 OF 2 PRETORIA 3623

EXDIS

E.O. 11652: GDS
TAGS: PDEV, SF, WA
SUBJECT: NAMIBIA: DRAFT SECURITY SOUNCIL RESOLUTION ON
WALVIS BAY

REF: USUN 02615

THE CURRENT DRAFT TEXT OF THE PROPOSED SECURITY COUNCIL
RESOLUTIION ON WALVIS BAY (REFTEL) REPRESENTS A SUBSTANTIAL
MOVEMENT BEYOND THE APRIL 2 LAGOS POSITION (SECTO 3079)
TOWARD SWAPO'S POSITION. WE MUST WEIGH CAREFULLY THE
HANDLING OF THE ISSUE IN A MANNER LEAST LIKELY TO PROVOKE
A SAG REACTION WHICH COULD CAUSE COLLAPSE OF THE
WESTERN INITIATIVE ON THE BRINK OF SUCCESS. FOURIE
AND OTHER SAG OFFICIALS HAVE RECENTLY REEMPHASITED THE
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SENSITIVE NATURE OF THE WALVIS BAY ISSUE AND PARTICULAR-
LY PRIME MINISTER VORSTER'S STRONG PERSONAL FEELINGS
ABOUT IT (CAPE TOWN 3510, 3539). LAST YEAR,
VORSTER PUBLICLY WARNED THAT IF THE SECURITY COUNCIL
"SHOULD IN ANY WAY DISPUTE SOUTH AFRICA'S OWNERSHIP OF
THE TERRITORY," HE SAW NO MERIT IN FURTHER DISCUSSION

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WITH THE WESTEN COUNTRIES ON NAMIBIA (77 PRETORIA 4657).

2. OVER THE PAST WEEKEND, AN APPARENTLY INSPIRED PRESS STORY (CAPE TWON 2556) AND REMARKS BY FOURIE ON SABC-TV (REPORTED JOHANNESBURG SEPTEL) UNDERSCORED THE IM-PORTANCE WHICH THE SAG ATTACHES TO THE ISOLATION OF WALVIS BAY FROM THE WESTERN PROPOSALS.

3. THE SAG'S SENSITIVITY ON THE ISSUE IS IN PART A MATTER OF PRINCIPLE; THE SOUTH AFRICANS ADMANTLY HOLD THAT THEIR LEGAL CLAIM TO WALVIS BAY IS VIRTUALLY UNASSAILABLE AND JURIDICALLY DISTINCT FROM THE NAMIBIAN ISSUE. ON THE OTHER HAND, VORSTER AND OTHER SAG OFFICIALS HAVE PUBLICLY STATED THAT THEY WOULD NEGOTIATE THE FUTURE STATUS OF WALVIS BAY WITH AN INDEPENDENT NAMIBIAN GOVERNMENT AND VORSTER REPORTEDLY TOLD THE DEMOCRATIC TURNHALLE LEADERS IN LATE APRIL THAT THE SAG WOULD BE HAPPY TO GIVE THE TERRITORY TO A "FRIENDLY NEIGHBOR" (CAPE TOWN 94). IN HIS RECENT TV REMARKS, FOURIE REITERATED THE SAG'S WILLINGNESS TO DISCUSS ALTERNATIVES REGARDING THE STATUS OF WALVIS BAY WITH AN INDEPENDENT NAMIBIA.

4. GIVEN THE INTER-DEPENDENCE OF THE TWO TERRITORIES, THE SAG WILL ALMOST CERTAINLY SEEK TO COME TO AN AGREE-MENT WITH THE NEW INDEPENDENT GOVERNMENT OF NAMIBIA ON THE QUESTION OF WALVIS BAY AND ITS RELATIONSHIP TO NAMIBIA.
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WHETHER THE SAG WILL ACTUALLY AGREE TO AN EARLY TRANSFER OF SOVEREIGNTY IS PROBLEMATICAL, BUT WE CAN ASSUME THE SAG INTENDS TO DRIVE A HARD BARGAIN. IF A NON-SWAPO GOVERNMENT WERE INSTALLED IN WINDHOEK, THE SOUTH AFRICANS MIGHT BE WILLING TO CONCIDE SOVEREIGNTY; EVEN IN THIS CASE, HOWEVER, SUCH AS CONCESSION MIGHT WELL TAKE THE FORM OF A TREATY LEAVING SOME YEARS HENCE. IF SWAPO WON THE ELECTION, THE SAG WOULD NO DOUBT DRIVE A PARTICULARLY HARD BARGAIN, USING ITS POSSESSION OF THE TERRITORY AS AN IMPORTANT LEVER TO ASSURE A COOPERATIVE RELATIONSHIP. THE SAG MIGHT CALCULATE THAT A WILLINGNESS TO NEGOTIATE A LONG-TERM AGREEMENT TURNING OVER SOVEREIGNTY AT A FUTURE
ATE BUT INCLUDING AN IMMEDIATE WORKING ARRANGEMENT WOULD BE SUFFICIENT TO ALLOW IT TO ESCAPE INTERNATIONAL PRESSURES ON THE ISSUE. IN ANY EVENT, THE SAG WILL NOT WISH TO ACQUIESCE OR BE SEEN TO BE ACQUIESCING IN A SECURITY COUNCIL RESOLUTION WHICH APPEARED SERIOUSLY TO COMPROMISE ITS NEGOTIATING POSITION.

4. THUS THE KEY TO SAG TOLERANCE OF WESTERN SUPPORT FOR A SECURITY COUNCIL RESOLUTION ON WALVIS BAY IS THE

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EXTENT TO WHICH SUCH A RESOLUTION APPEARS TO PREJUDICE
SOUTH AFRICA'S LEGAL POSITION AND SEEMS TO COERCE SOUTH
AFRICA IN FUTURE NEGOTIATIONS ON THE ISSUE. THE DRAFT
RESOLUTION DISCUSSED WITH TANZANIAN AMBASSADOR SALIM ON JUNE
19 AND 21 (REFTEL) COULD WELL BE SEEN BY
THE SAG AS SKIRTING TOO CLOSE TO THE ADGE ON BOTH
COUNTS. THERE ARE NEW FEATURES DIFFERING FROM THE
PREVIOUS VERSION (USUN 2088) WHICH COULD LEAD
THE SOUTH AFRICANS TO THE CONCLUSION THAT THE
RESOLUTION IN EFFECT ACCETPS SWAPO'S CLAIM. THESE
NEW FEATURES INCLUDE:

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ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 /026 W
----------066732 281445Z /72
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FM AMEMBASSY PRETORIA
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INFO AMEMBASSY BONN IMMEDIATE
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AMEMBASSY OTTAWA IMMEDIATE
AMEMBASSY PARIS IMMEDIATE

C O N F I D E N T I A L SECTION 2 OF 2 PRETORIA 3623

EXDIS

--REFERENCE TO "TERRITORIAL INTEGRITY AND UNITY"
OF NAMIBIA IN THE OPENING PREAMBULAR PARAGRAPH.
--TAKING NOTE EXPLICITLY OF GENERAL ASSEMBLY
RESOLUTION 32/9D.
--CITING THE "TERRITORIAL INTEGRITY AND UNITY OF
NAMIBIA RATHER THAN ITS "INTEGRITY AND VIABILITY" IN
OPERATIVE PARAGRAPH ONE.
--REFERRING TO THE RE-INTERGRATION" OF WALVIS
BAY INTO NAMIBIA IN THE SECOND OPERATIVE PARAGRAPH.

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5. IN ADDITION, NEW OPERATIVE PARAGRAPH FOUR MAY BE SEEN BY
THE SAG AS A WESTERN SUPPORTED THREAT IN REGARD TO
ACTIVITIES IN AN AREA OVER WHICH THE SAG BELIEVES IT
HAS FULL SOVEREIGNTY. DURING THE RUN-UP FOR INDEPENDENCE
AND IN THE INITIAL PERIOD THEREAFTER, REGARDLESS OF WHO
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WINS THE ELECTION, THE SAG IS UNLIKELY TO THREATEN THE
VIABILITY OF NAMIBIA'S ECONOMY, BY, FOR EXAMPLE,
CUTTING OFF ACCESS TO WALVIS BAY. EVEN IF POST-
INDEPENDENCE NEGOTIATIONS ON THE WALVIS BAY ISSUE
BROKE DOWN, IT SEEMS IMPROBABLE THE SAG WOULD
TAKE SUCH A STEP, UNLESS CONFRONTED BY SANCTIONS OF THE
NEW NAMIBIAN GOVERNMENT WHICH SOUTH AFRICA VIEWED AS
THEATENING.

6. AT THE END OF APRIL, WE HAD REASON TO BELIEVE
THAT THE SAG WAS AWARE OF THE LIKELIHOOD OF THE FIVE
TAKING A POSITION TO THE EFFECT THAT WALVIS BAY SHOULD
BE THE SUBJECT OF POST-INDEPENDENCE NEGOTIATIONS LEADING
TO ITS INCORPORATION AS PART OF NAMIBIA. IT WAS OUR VIEW
THEN THAT THE SOUTH AFRICANS COULD LIVE WITH SUCH A POSITION
PROVIDED WE AVOIDED ANY IMPLICATION OF CHALLENGING
THE SAG'S LEGAL CLIAM AND CLEARLY REEMPHASIZED THAT
OUR PRONOUNCEMENTS WERE NOT PART OF THE SETTLEMENT
PROPOSAL (CAPE TOWN 851). THE LATEST VERSION OF THE
RESOLUTION MAKES US LESS SANGUINE ABOUT THE SAG'S
RESPONSE.

7. IF THERE WERE ANY POSSIBILITY OF RENDERING THE DRAFT
PROVOCATIVE TO THE SAG, WE WOULD RECOMMEND:
--OMISSION OF THE DIRECT REFERENCE TO GA RESOLUTION
32/9D AND SUBSTITUTION OF GENERAL REFERENCE TO WIDE INTER-
NATIONAL SUPPORT FOR THE POSITION THAT WALVIS BAY IS AN
INTEGRAL PART OF NAMIBIA.
--IN THE FIRST OPERATIVE PARAGRAPH, SUBSTITUTION
OF TH EARLIER PHRASE "INTEGRITY AND VIABILITY" FOR
"TERRITORIAL INTEGRITY AND UNITY."
--OMISSION OF OPERATIVE PARAGRAPH 4.

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8. WHATEVER DECISION IS TAKEN ON THE WORDING OF THE
RESOLUTION, ATTENTION MUST BE DIRECTED TO MODERATING
THE IMPACT ON SOUTH AFRICA THROUGH PREPARATION OF THE
WAY WITH THE SAG AND THROUGH THE STATEMENTS OF THE

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FIVE DURING SECURITY COUNCIL DELIBERATIONS. IN THE
SECURITY COUNCIL IT WOULD BE HIGHLY DESIRABLE TO
MAKE QUITE CLEAR THAT THE RESOLUTION ON WAVIS BAY WAS
NOT PART OF THE SETTLEMENT AGREEMENT AND TO REITERATE
THAT, WHILE THE SAG'S CLAIM WAS BASED ON
CERTAIN LEGAL AND HISTORIC FACTORS, THE WESTERN GOVERN-
MENTS, IN SUPPORTING THE RESOLUTION, WAS NOT TAKING
A POSITION ON THE LEGAL CLAIMS OF THE PARTIES.

8. AN IMPORTANT TACTICAL QUESTION IS WHETHER WE
SHOULD INFORM THE SAG OF THE WORDING OF TH PROPOSED
RESOLUTION. THE FACT THAT EARLIER WE DISCUSSED WITH
THE SAG POSSIBLE LANGUAGE FOR USE DURING SECURITY COUNCIL
DELIBERATIONS MAY OPEN US UP TO CHARGES OF BAD FAITH
IF WE ENDORSE A MORE FAR-REACHING RESOLUTION WITHOUT
CONSULTATION WITH SOUTH AFRICA. NEIL VAN HEERDEN
RECENTLY URGED THAT WE "HAMMER OUT" TOGETHER THE
APPROACH TO BE MADE IN THE SECURITY COUNCIL (CAPE
TOWN 2539).

9. IT IS LIKELY, HOWEVER, THAT WE HAVE GONE BEYOND THE
POINT WHERE WE COULD PRODUCTIVLY DISCUSS THE WORDING
OF A RESOLUTION WITH THE SAG. THE SOUTH AFRICANS
ARE BOUND TO REACT VIGOROUSLY TO THE DRAFT EVEN IF
MODIFIED AS IN PARA 7 ABOVE. THE BEST COURSE AT
THE MOMENT, WE BELIEVE, IS TO FOLLOW UP ON THIS SUBJECT
IN AN INFORMAL CONVERSATION WITH FOURIE OR BOTHA BY
ON MEMBER OF THE CAPE TOWN FIVE, WHO WOULD BE
AUTHORIZED TO STATE THAT:
--WE ARE PREPARED TO SUPPORT A SECURITY COUNCIL
RESOLUTION THAT WOULD CALL FOR THE REINTEGRATION OF WALVIS
BAY INTO NAMIBIA.
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--THE RESOLUTION, HOWEVER, WOULD HAVE NOTHING TO DO
WITH THE TERMS AND IMPLEMENTATION OF THE PROPOSAL ON
NAMIBIA.

10. WE MAY ULTIMATELY HAVE TO SHOW THE DRAFT OF THE
RESOLUTION TO THE SOUTH AFRICANS, BUT WE SHOULD DO SO
ONLY IF AND WHEN SWAPO IS FIRMLY COMMITTED TO ACCEPTANCE
OF THE PROPOSAL. THE SAG REACTION COULD CHANGE THE
SITUATION AND WE MIGHT THEN BE OBLIGED TO CONSIDER OTHER
WAYS TO REASSURE THE SAG THAT THE SECURITY COUNCIL
RESOLUTION DOES NOT AFFECT THE PROPOSAL ITSELF OR ALTER
OUR IMPARTIALITY ON TH LEGAL CLAIMS. AT BEST, WE CAN
XPECT THE SAG WILL FORCEFULLY REJECT THE RESOLUTION
AS NON-BINDING AND REFER TO ITS APRIL 25 ACCEPTANCE
STATEMENT WHICH UNDERSCORED THE "PROVISION" THAT THE
ISSUE OF WALVIS BAY IS NOT INCLUDED IN THE PROPOSALS.

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Review Release Event: n/a
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Review Withdrawn Fields: n/a
SAS ID: 2178841
Secure: OPEN
Status: NATIVE
Subject: NAMIBIA: DRAFT SECURITY SOUNCIL RESOLUTION ON WALVIS BAY
TAGS: PDEV, SF, WA
To: STATE USUN NEW YORK
Type: TE
vdkvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/83354f7e-c288-dd11-92da-001cc4696bcc
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